

## Record of Votes

Senators Phillips and Corbin asked to be recorded as voting "nay" on the motion to adjourn.

## THIRTIETH DAY

(Monday, March 5, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 1, 1951, was dispensed with and the Journal approved.

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 5, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 1, A bill to be entitled "An Act to amend Article 193 of the Revised Civil Statutes of Texas, 1925, apportioning the State of Texas into Senatorial Districts; naming the counties composing each district; providing that each district shall be entitled to elect one Senator; repealing all laws in conflict herewith; providing for severability; and declaring an emergency." (With amendments.)

S. C. R. No. 28, In memory of Mr. Adam R. Johnson.

H. C. R. No. 36, Inviting the Honorable William L. Clayton to address a Joint Session of the Texas House of Representatives and Senate, at 12 noon, March 6, 1951.

H. B. No. 44, A bill to be entitled "An Act making it unlawful to catch or take fish with traps, seines and nets in the waters of the Angelina River and its tributaries in Nacogdoches, Angelina, Tyler, San Augustine and Jasper Counties; providing a penalty for violation; and declaring an emergency."

H. B. No. 86, A bill to be entitled "An Act to validate the establishment, organization, and/or creation of all school districts; validating the acts of county boards of school trustees, county judges, commissioners' courts, boards of trustees of such school districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said districts; authorizing the levy, assessment, and collection of taxes; providing that this Act shall not apply to certain districts involved now or previously involved in litigation, or to districts involved in certain proceedings now pending before the State Board of Education, or to districts which may have been established and which later returned to original status; providing a savings clause, and declaring an emergency."

H. B. No. 195, A bill to be entitled "An Act creating an additional District Court, with civil jurisdiction only, in and for Hardin, Liberty, Tyler, and Chambers Counties, to be known as the 88th District Court; adjusting the business of the 75th District Court to the business thereof; providing for the appointment of a District Judge therefor; providing for a clerk; providing for the appointment of an official shorthand reporter and fixing his salary; fixing the terms of the 88th District Court created hereby; providing for the transfer of civil cases between said courts and for the exchange of benches; making an appropriation; repealing all laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 39 by vote of 115 ayes, 10 noes.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Resolution 77

Senator Wagonseller offered the following resolution:

Whereas, We are honored today to have in the gallery Mr. Hal Jackson, former member of the Legislature, Mr. Holford Russell, outstanding businessman of Denton, Mr. Bob Brock, reporter for Denton Record-Chronicle, and

Whereas, These gentlemen are outstanding citizens of North Texas; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

#### Senate Resolution 78

Senator Hazlewood offered the following resolution:

Whereas, We are honored today in having as a visitor to the Capital City one of the outstanding pioneer citizens of West Texas, particularly, and of the entire State as a whole, a pioneer business man who has contributed unstintingly to the development of Texas and to the welfare of the people generally in the areas in which he has lived, Mr. E. W. Hardin, of Amarillo.

Whereas, Mr. Hardin entered the hardware business in Amarillo in 1906 and has engaged continuously in that business in both wholesale and retail since that time. He is a past president of the Tri-State Hardware Dealers' Association.

Whereas, Among Mr. Hardin's activities, he has served as President of the Amarillo Chamber of Commerce; as President of the West Texas Chamber of Commerce; as a member of the United States Chamber of Commerce; as a Director of the Panhandle Santa Fe Railway System; and on the Advisory Committee of the Reconstruction Finance Corporation.

Whereas, Mr. Hardin is an out-

standing world traveler and philanthropist, having given generously of his time and money to many worthy causes, including the support of his church, of which he is an ardent member, and now serving as a Director of the Presbyterian Home for Children at Amarillo, and an active sponsor of this humanitarian work; now, therefore, be it

Resolved, That the Senate extend greetings to Mr. Hardin and that he be extended the privileges of the floor for the day; be it further

Resolved, That an enrolled copy of this resolution be presented to Mr. Hardin as a token of his visit to the Senate.

The resolution was read and was adopted.

#### Reports of Standing Committees

Senator Phillips submitted the following reports:

Austin, Texas,

February 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 80, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PHILLIPS, Chairman

Austin, Texas,

February 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 202, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,

February 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 229, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
February 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 149, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
February 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 182, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Senator Carney submitted the following report:

Austin, Texas,  
March 5, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 222, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman

Senator Bracewell submitted the following reports:

Austin, Texas,  
March 1, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 241, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be mimeographed but not otherwise printed.

BRACEWELL, Chairman

Austin, Texas,  
March 1, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was re-

ferred S. B. No. 245, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

BRACEWELL, Chairman

Austin, Texas,  
March 1, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 246, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

BRACEWELL, Chairman

Austin, Texas,  
March 1, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 247, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

BRACEWELL, Chairman

Austin, Texas,  
March 1, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 252, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

BRACEWELL, Chairman

Austin, Texas,  
March 1, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 254, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

BRACEWELL, Chairman

Senator Carney submitted the following report:

Austin, Texas,  
February 27, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 118, have had the same under consideration and are reporting it back to the Senate with the recommendation that it do not pass, but that the attached committee substitute do pass in lieu thereof, and be printed.

CARNEY, Chairman

C. S. S. B. No. 118 was read first time.

#### Bill and Resolutions Signed

The President signed in the presence of the Senate, after the caption had been read, the following enrolled bill and resolutions:

H. B. No. 137, A bill to be entitled "An Act making it unlawful to take or kill wild deer in the Counties of Hardeman, Foard and Knox, of Texas, for a period of five (5) years; making it unlawful for any person to have within his possession any wild deer killed or taken in said counties; prescribing a penalty for violation of this Act; providing that all laws in conflict herewith are repealed; and declaring an emergency."

S. C. R. No. 18, Preparation of bills by The Council of State Governments.

S. C. R. No. 28, In memory of Adam R. Johnson.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time and referred to the committees indicated:

By Senators Ashley and Bracewell:

S. B. No. 275, A bill to be entitled "An Act authorizing corporations organized or admitted to do business in Texas for the purpose of prospecting, exploring, mining or drilling for oil or for gas or other minerals, to own and operate equipment for refining and processing such minerals; and authorizing such of said corporations as engage in the production of oil or gas to adopt the provisions of

Chapter 15 of Title 32, Revised Civil Statutes, 1925, as amended.

To Committee on Oil, Gas and Conservation.

By Senator Hudson:

S. B. No. 276, A bill to be entitled "An Act providing for the fixing of compensation of judges of District Courts in counties in this State which comprise a part of a Judicial District consisting of not less than five counties, of which two of said counties have two or more District Courts; providing the manner of payment; establishing a limitation on the amount of such compensation; providing for validity of remaining portion of act if any part declared unconstitutional; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Hudson:

S. B. No. 277, A bill to be entitled "An Act enabling the Game, Fish and Oyster Commission to sell or exchange sections or parcels of land in Brewster, Culberson or Hudspeth Counties; limiting the amount and quality of land that may be sold or exchanged; prescribing the manner of exchange; providing for a minimum price that may be accepted in case of sale; providing for disposition of monies received as a result of land sales; and declaring an emergency."

To Committee on Game and Fish.

By Senator Hardeman:

S. B. No. 278, A bill to be entitled "An Act repealing Article 601, Revised Civil Statutes of Texas of 1925, and House Bill No. 1, being Chapter 316, Acts of the 51st Legislature; creating a Board of Control and defining its powers and duties; among other powers and duties being those heretofore exercised by the Board of Control abolished by this Act, as well as those heretofore exercised by the Board for Texas State Hospitals and Special Schools; providing for a Hospital and School Director and a Management Director and defining their powers and duties; transferring real and personal property to the Board of Control created herein; providing for the appointment of the Board and the making of bonds by Board Members and the Directors; abolishing divisions in the Board of Control; providing for the transfer

of duties between the Directors; repealing all laws in conflict herewith; fixing an effective date of this Act; and declaring an emergency."

To Committee on State Affairs.

By Senator Kelley of Hidalgo:

S. B. No. 279, A bill to be entitled "An Act providing that Hidalgo County, Texas, may deposit with the State Treasurer an amount sufficient to pay, and for the purpose of paying, all of its water improvement bonds together with the interest thereon to the date when they become due or optional for prior payment and the contract premium, if any; making it unnecessary for Hidalgo County, Texas, to collect the State ad valorem tax in any year in which it has sufficient revenue on hand to pay the installments on its outstanding water improvement bonds together with the interest thereon for such year and the year following; containing a severability clause; making the Act cumulative but controlling when inconsistent or in conflict with other laws; and enacting other provisions relating to this subject. Whereas, under the provisions of Chapter 401, First Called Session, Forty-fourth Legislature, 1935, as amended by Chapter 301, Fiftieth Regular Session, 1947, there is remitted, released, granted, and donated to the inhabitants of and property in Hidalgo County, and to Hidalgo County, Texas, all State ad valorem taxes for general revenue purposes levied or to be levied on the property in Hidalgo County, Texas, for the years 1924 to 1954, both inclusive, including the rolling stock of railroads; and, Whereas, under and by virtue of said Act, Hidalgo County has issued and sold water improvement bonds which are now outstanding, and, Whereas, Hidalgo County has sufficient revenue to pay the said outstanding bonds together with the interest thereon for at least two years in advance; and declaring an emergency."

To Committee on Water Rights, Irrigation and Drainage.

By Senator Kelley of Hidalgo:

S. B. No. 280, A bill to be entitled "An Act providing that the State ad valorem tax levied under Article 8, Section 1a, of the Constitution of Texas, in the Counties of Nueces, Jim Wells, Jim Hogg, Brooks, Kleberg, Willacy and Duval, heretofore donated and granted to the City of

Corpus Christi, be paid to said city in an amount sufficient to discharge all obligations payable from such donation and grant, and providing that any excess shall be retained by the said counties for farm to market roads or flood control; prescribing the method of computing the amount due by each county; and declaring an emergency."

To Committee on State Affairs.

By Senator Kelley of Hidalgo:

S. B. No. 281, A bill to be entitled "An Act amending Chapter 111, Acts 1933, 43rd Legislature, First Called Session, to define certain words used therein; providing for approval of bonds by the Attorney General and registration by the Comptroller of Public Accounts; making bonds eligible for purchase by certain Insurance Companies; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Russell:

S. B. No. 282, A bill to be entitled "An Act providing for the transfer of title to certain lands to the State Highway Commission containing 49.069 acres of land, more or less, and conveying unto said State Highway Commission the free and uninterrupted use, liberty and privilege of the passage in, along, upon and across 12.221 acres of land, more or less, for the purpose of opening, constructing and maintaining channels and a borrow source with the right and privilege at all times of the grantee herein, his or its agents, employees, workmen and representatives having ingress, egress and regress to said premises for the purpose of making additions to, improvements on and repairs to the said channels or borrow source or any part thereof. Being a part and parcel of the present campus and farms of the East Texas State Teachers College at Commerce, Texas, necessary for the location and improvement of F. M. Highway No. 513 from an intersection with the present location of State Highway No. 24 near the west city limits of Commerce, Texas, south to an intersection with U. S. Highway No. 67 at Campbell, Texas, and the relocation and establishment of State Highway No. 11 from an intersection with F. M. Highway No. 513 near the southwest corner of the city limits of Commerce, Texas, east to an inter-

section with the present location of State Highway No. 11 near the southeast corner of the city limits of Commerce, Texas, and declaring an emergency."

To Committee on State Highways and Motor Traffic.

By Senator Russell:

S. B. No. 283, A bill to be entitled "An Act giving Dudley Ames and wife, Maud Ames, their administrators, executors, heirs and assigns consent of the Legislature to sue the State of Texas for damages resulting from the construction of U. S. Highway 67 through Hunt County, Texas; and declaring an emergency."

To Committee on State Affairs.

By Senator Colson:

S. B. No. 284, A bill to be entitled "An Act authorizing the governing body of any city or town and the board of trustees of any independent school district, which city or town and school district overlap one another, to cooperate with one another and jointly purchase, construct, or otherwise acquire, and equip a building, including the purchase of a site, to be used as an auditorium; providing that the use thereof by such city or town and school district shall not interfere with one another; providing for the payment thereof, including the issuance of bonds and the levy and collection of taxes; providing a saving clause, and declaring an emergency."

To Committee on Educational Affairs.

By Senator Lock:

S. B. No. 285, A bill to be entitled "An Act to facilitate and encourage the distribution of gas to the inhabitants of cities, towns, villages and rural areas of the State of Texas by providing that any person, firm or corporation engaging in the business of transporting or distributing gas for public consumption may lay and maintain pipes, mains, conductors and other facilities used for conducting gas through, under, along, across and over all public highways, public roads, public streets and alleys, and public waters within this State; providing that within the corporate limits of an incorporated city or incorporated town such right shall be dependent upon the consent and subject to the direction of its governing body; providing if after the effective date of

this Act an unincorporated area becomes incorporated, any such person, firm or corporation which at the date of such incorporation has pipes, mains, conductors or other facilities within such area so incorporated, may lay and maintain pipes, mains, conductors and other facilities used for conducting gas through, under, along, across and over all public highways, public roads, public streets and alleys, and public waters within this State for ten (10) years after the date of such incorporation without consent but subject to the direction of the governing body; providing for giving of notice to the State Highway Commission or Commissioners Court having jurisdiction; providing that the State Highway Commission or Commissioners Court may require relocation by giving thirty (30) days written notice; repealing all laws and parts of laws in conflict herewith to the extent of such conflict only; containing a severability clause; and declaring an emergency."

To Committee on State Affairs.

By Senator Lock:

S. B. No. 286, A bill to be entitled "An Act authorizing the governing boards of Texas State University for Negroes and Prairie View Agricultural and Mechanical College to prescribe courses of study and degrees to be offered; containing a repealing clause; and declaring an emergency."

To Committee on State Affairs.

#### Senate Resolution 79

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery the Civics and Senior Class of Anahuac High School; Sid Stevenson, instructor; Guy C. Jackson, Jimbo Woolridge, and Grover Wilcox; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

**Senate Concurrent Resolution 30**

Senator Martin offered the following resolution:

S. C. R. No. 30, Granting R. L. Roberts permission to sue the State.

Whereas, On or about the 31st day of March, 1950, R. L. Roberts of Itasca, Hill County, Texas, was operating a truck along State Highway 66 at the South Prong of Chambers Creek, Ellis County, Texas; and

Whereas, The said creek was spanned by an iron bridge that was in a bad state of repair, and though the truck owned by R. L. Roberts was empty, said bridge collapsed, causing estimated damage to the truck in the amount of \$1,000.00; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the said R. L. Roberts is hereby granted permission to sue the State of Texas, within a period of two (2) years after the effective date of this resolution in any court in Texas having jurisdiction; and be it further

Resolved, That service of citation and all other necessary processes may be had upon the Attorney General of the State of Texas at Austin, Texas, and that said suit shall be tried under the same rules of law, liability and evidence and in like manner as similar suits instituted against private corporations are tried; the State hereby waiving its immunities by reason of its sovereignty; however, it is understood that the purpose of this resolution is to grant permission to R. L. Roberts to bring suit against the State of Texas, and no admission of liability of the State is made by this resolution, and the facts as herein set out must be proved in court.

The resolution was read and was referred to the Committee on State Affairs.

**Senate Concurrent Resolution 31**

Senator Phillips offered the following resolution:

S. C. R. No. 31, Inviting Archbishop Michael of the Greek Orthodox Church to address a joint session of the Legislature.

Whereas, Archbishop Michael of the Greek Orthodox Church, one of America's most beloved and distinguished spiritual leaders, and internationally renowned scholar, phi-

losopher and humanitarian will be in the Capital City of Texas on April 2nd, 1951; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, that Archbishop Michael be invited to address the two houses of the Legislature at a joint session to be held in the hall of the House of Representatives at 11:30 o'clock a. m. on that day, and that a joint committee of three members of each House be appointed to escort him to the joint session.

PHILLIPS  
ASHLEY  
PARKHOUSE  
HUDSON  
HARDEMAN  
COLSON  
MOFFETT  
VICK

The resolution was read.

On motion of Senator Phillips and by unanimous consent, the resolution was considered immediately, and was adopted.

**Senate Resolution 80**

Senator Nokes offered the following resolution:

Whereas, During the past years the citizens of the State of Texas have been periodically shocked to discover evidence of the operation of a nationwide crime syndicate operating in their midst; and

Whereas, Investigations of a subcommittee of the Senate of the United States, commonly known as the Kefauver Committee, have brought to light the startling fact that powerful underworld interests of the East have extended their operations into the very heart of this State for the purpose of preying upon our citizens and engaging in every conceivable crime and vice, such as robbery, gambling, prostitution, and murder; and that such syndicate at the present time is believed to operate more than eight thousand slot machines and other gambling devices within this State; and

Whereas, Newspaper reports of the inquiry of a Grand Jury of Tarrant County, Texas, where two people have been killed in gangland slayings, indicate that the syndicate's illegal operations were carried on with the apparent approval of certain law enforcement officials; and

Whereas, It has also appeared that

a certain underworld person recently arrested in Dallas County, Texas, was associated in crime with a notorious gangster of the State of Nevada; and

Whereas, Gambling houses, operating illegally under the guise of "private clubs," in several of the cities of this State, particularly along the Gulf Coast, are reputed to be owned and operated by said national crime syndicate; and

Whereas, It appears that many of the criminal laws of this State are being openly and flagrantly violated by a syndicate of organized crime; now, therefore, be it

Resolved, By the Senate of the State of Texas:

Section 1. That a Crime Investigating Committee, to be composed of five members of the Senate, be appointed by the President of the Senate, for the purpose of conducting a sweeping investigation of the reports of organized criminal activities in the State of Texas, and the enforcement of the criminal laws of this State by local officials.

Sec. 2. That such committee function under the direction of a chairman to be designated by the President of the Senate and have the power to subpoena witnesses and compel their attendance.

Sec. 3. That such sums as may, from time to time be necessary, be appropriated from the contingent expenses of the Senate to carry on the work of the committee.

Sec. 4. That said committee shall submit reports in writing to the Texas Senate every thirty days after the adoption of this resolution setting forth its findings, together with any recommendations for legislation or other action to be taken by the Legislature of the State of Texas.

The resolution was read.

Senator Nokes asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Martin raised the point of order that it was not in order to take up the resolution during the morning call under the terms of Senate Rule 12.

The President sustained the point of order.

The resolution was referred to the Committee on State Affairs.

#### Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,  
March 5, 1951.

To the Senate of the Fifty-second Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Trustees, Municipal Retirement System:

Clifford L. Davis of Amarillo, Potter County (for term to expire December 31, 1956, Executive Trustee);

D. D. Nixon of Lampasas, Lampasas County (for term to expire December 31, 1956, Employee Trustee);

Ralph H. Irvin of Palestine, Anderson County (to fill unexpired term of Roy H. Laird, deceased, term to expire December 31, 1954, Executive Trustee).

To be a member of the Good Neighbor Commission of Texas to fill unexpired term of Bishop C. E. Byrne, deceased, term to expire June 19, 1951:

George Strake of Houston, Harris County.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

#### Senate Resolution 81

Senator Russell offered the following resolution:

Whereas, A mysterious fire broke out at Boles Orphans Home near Quinlan, Texas, Sunday morning; and

Whereas, 300 Texas orphans had to flee from nearby dormitories as the nearby administration building was consumed by flames; and

Whereas, The Associated Press reported that the fire would have spread to the dormitories in which the 300 children resided had it not been for the absence of any wind; and

Whereas, Firemen from nearby Greenville arrived, but there was no water to fight the flames, an amazing and deplorable situation; and

Whereas, Mrs. Hudie Bates, a matron and cook, was burned to death; therefore, be it



Resolved, By the Senate of Texas, the House of Representatives concurring, that a special Senate investigating committee be commissioned to survey the specific case near Quinlan, and be empowered to investigate the prevailing conditions in all private and public orphanages in Texas.

The resolution was read and was referred to the Committee on State Affairs.

#### **Senate Bill 1 with House Amendments**

Senator Kelley of Hidalgo called S. B. No. 1 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kelley of Hidalgo moved that the Senate concur in the House amendments.

The motion prevailed.

#### **Senate Bill 71 with House Amendments**

Senator Weinert called S. B. No. 71 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Weinert moved that the Senate concur in the House amendments.

The motion prevailed.

#### **Senate Resolution 82**

Senator Bracewell offered the following resolution:

Whereas, We are honored today to have in the gallery Mrs. T. R. Hackett and her school class from Houston, Harris County; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

#### **Senate Bill 66 on Second Reading**

Senator Tynan moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 66 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### **Yeas—26**

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Fuller	Russell
Hardeman	Shofner
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

#### **Nays—3**

Corbin	Strauss
Moore	

#### **Absent**

Bell	Hazlewood
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 66, A bill to be entitled "An Act amending Article 717, Revised Civil Statutes of Texas, 1925, providing that the first three articles of Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, shall not apply to refunding bonds issued, or to be issued, for the refunding of any valid outstanding bonds of a county, city, or town, nor to any bond issued for a sum less than two thousand dollars, when issued for the purpose of repairing buildings or structures for the building of which bonds are allowed to be issued, provided, however, that the aggregate principal amount of bond issues for the repairing of such buildings and structures shall never in any calendar year exceed two thousand dollars; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### **Senate Bill 66 on Third Reading**

Senator Tynan moved that the con-

stitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 66 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

## Nays—3

Corbin	Strauss
Moore	

## Absent

Bell

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—27

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

## Nays—3

Corbin	Strauss
Moore	

## Absent

Bell

## Senate Bill 209 on Second Reading

Senator Ashley moved that Senate Rule 116 and Section 5 of Article III

of the State Constitution be suspended and that S. B. No. 209 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

## Absent

Bell

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 209, A bill to be entitled "An Act to amend Subsection 2 of Section 1, Chapter 451, Acts, Regular Session, 51st Legislature, page 832, Compiled Laws of said Session, creating a Cotton Research Committee and providing for its membership; prescribing its duties; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 209 by inserting the word "System" after the word "College" in line 22, printed bill, and by inserting the word "System" after the word "College" in line 43, printed bill.

The amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 209 by striking out the word "reimburse" in line 33 and inserting in lieu thereof the word "compensate" and by striking out the words "for the cost thereof" in line 34.

The amendment was adopted.

The bill, as amended, was passed to engrossment.

**Senate Bill 209 on Third Reading**

Senator Ashley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 209 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

**Absent**

Bell

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30**

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

**Absent**

Bell

**House Concurrent Resolution 36**

The President laid before the Senate on its first reading the following resolution:

H. C. R. No. 36, Inviting the Honor-

able William L. Clayton to address a joint session of the Texas House of Representatives and Senate.

The resolution was read.

Senator Bracewell offered the following amendment to the resolution:

Amend H. C. R. 36 by changing the words "twelve noon" and substituting the words "eleven thirty a. m."

The amendment was adopted.

On motion of Senator Bracewell, the resolution was considered immediately and was adopted, as amended:

**Record of Votes**

Senators Hardeman, Vick and Kelly of Tarrant asked to be recorded as voting "nay" on the adoption of the above resolution.

**Presentation of Canadian Air Marshal, W. A. Curtis**

The President recognized Senator Aikin and Senator Aikin presented the following distinguished guests to the Senate:

Air Marshall W. A. Curtis, chief of the Royal Canadian Air Force, accompanied by Mrs. Curtis, Captain Cox and Lieutenant Grieves.

The guests were welcomed to the Senate and extended the privileges of the floor for today.

**Executive Session**

On motion of Senator Lane, and by unanimous consent, the Senate agreed to hold an executive session at 12:03 o'clock p. m. today.

Accordingly the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the Secretary informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be District Attorney of the 132nd Judicial District:

Robert S. Davie of Snyder, Scurry County.

To be judge of the 132nd Judicial District:

Ben F. Thorpe of Snyder, Scurry County.

**In Legislative Session**

The President called the Senate to order as in Legislative Session at 12:10 o'clock p. m.

**House Bills on First Reading**

The following bills received from the House were read first time and referred to the committees indicated:

H. B. No. 44, To Committee on Game and Fish.

H. B. No. 86, To Committee on Educational Affairs.

H. B. No. 195, To Committee on Judicial Districts.

**Adjournment**

On motion of Senator Hardeman, the Senate at 12:15 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

## In Memory of Robert Bartow Cousins, Jr.

Senator Ashley offered the following resolution:

(Senate Resolution No. 76)

Whereas, The Universal Father, in His wisdom, has removed from our midst an eminent Texan in the person of Robert Bartow Cousins, Jr., whose career was closed with the dawn of a new day, Thursday, March 1, 1951; and

Whereas, Mr. Cousins had distinguished himself in the law, in finance and in education, and in the esteem of his fellows through his innate concept of personal honesty and integrity in considering the rights of others. Few men, in the brief space of three score years, had attained the position of esteem accorded him in the varied activities of a busy life.

Born of sturdy pioneer parents in the City of Mexico on November 1, 1889, Robert Bartow Cousins, Jr., was the embodiment of all the rich traditions and history of Texas and the Old South. He acquired his education in the public schools and the State University of Texas, and held law degrees from the latter institution and from Columbia. He engaged in the private practice of law for a brief period, subsequently serving as an Assistant Attorney General, Chairman of the State Board of Insurance Commissioners, president of a life insurance company, member of the State Board of Education, and for seventeen years has held a responsible position involving the business of many fire and casualty insurance companies identified with Texas. At his death, he held positions with a variety of business institutions locally and at other points, as president of a building and loan company, director of a bank, a life insurance company and an industrial plant at Longview founded by his maternal grandfather during the early days of Texas. His identity with various social, civic, humanitarian and cultural organizations bespoke his deep concern for service in these fields, notably as a member of the Town and Gown Club, Knife and Fork Club, the Austin Club, the Chamber of Commerce, the Rotary Club, the Masonic Fraternity, University of Texas Ex-Students Association, local, State and American Bar Associations, the Community Chest, University Methodist Church, and others. In all these he was active both as a member and officer.

Mr. Cousins was known to his intimates for his unselfishness to step aside from busy workaday affairs to counsel with individuals who wavered or had erred in decisions that, but for his wise counsel and advice, might otherwise have led to disastrous results to those who confided in him.

We join the myriad friends of this illustrious Texan in paying silent tribute to his useful life and service to our great State, and commend his esteemed family to the Father of All in whom he had implicit faith, for guidance in their hour of sorrow. Although he is not present with us in the flesh, his star shall remain bright in the firmament of Heaven, so aptly illustrated by the verse from the pen of Oliver Wendell Holmes:

"Fast as the rolling seasons bring  
The hour of fate to those we love,  
Each pearl that leaves the broken string  
Is set in Friendship's crown above.  
As narrower grows the earthly string,  
The circle widens in the sky;  
These are our treasures that remain,  
But those are stars that beam on high."

Resolved, That a copy of this memorial be spread upon the Journal of the Senate of Texas, that an enrolled copy be furnished the family of deceased, and that when the Senate adjourns today it do so in memory of this distinguished Texan, Robert Bartow Cousins, Jr.

"His work is done, his toil is o'er;  
The land he loved, that loved him well;  
Honors his name forevermore."

—Anon.

ASHLEY

Signed—Ben Ramsey, Lieutenant Governor; Alkin, Bell, Bracewell, Bullock, Carney, Carter, Colson, Corbin, Fuller, Hardeman, Haslewood, Hudson, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Nokes, Parkhouse, Phillips, Russell, Shofner, Strauss, Tynan, Vick, Wagonseller, Weinart.

The resolution was read.

On motion of Senator Carter, the names of the Lieutenant Governor and all of the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.